

Thomas-Jensen
Affirmation
(redacted)

Exhibit # 78

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, ET AL.

Plaintiffs,

v.

C.A. No. 25-cv-39-JJM-PAS

**DONALD TRUMP, in his Official
Capacity as President of the United
States, et al.**

Defendants

**Declaration of Scott W. Carlson
Executive Director and Attorney at Law
Farmer's Legal Action Group**

I, Scott W. Carlson, declares as follows:

1. I am the Executive Director of, and an Attorney at Law at, the Farmers' Legal Action Group, Inc. (FLAG). I have held this position since May of 2016. FLAG was incorporated as a 501(c)(3) nonprofit organization in February of 1986. FLAG's mission is to provide legal services and support to family farmers and their communities to help keep farmers on the land. FLAG is headquartered in St. Paul, Minnesota. FLAG offers and provides services and resources free of charge to farmers, ranchers and their communities in all U.S. states and territories. Among other things, FLAG enters into contracts to provide legal services and materials to clients and to other organizations, including the federal government. FLAG also solicits grant money from donors and governmental entities, including the federal government.

2. I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by FLAG's staff.


3. I am providing this declaration to explain some of the adverse impacts of the threatened and actual suspensions and impoundments of federal grant funding resulting from: (1) President Trump's Executive Orders; (2) the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025); and (3) other federal agency actions.

4. FLAG has two cooperative agreements with the U.S. Department of Agriculture to provide technical assistance and other services to farmers and ranchers. These agreements are funded at least primarily by the federal American Rescue Plan Act. Among other things, FLAG's work under these agreements has provided services, educational materials, technical assistance, and other support to "underserved" farmers and ranchers as defined by 7 U.S. Code § 1508(a)(7)(A)(ii), "The term 'underserved producer' means an individual (including a member of an Indian Tribe) that is—(I) a beginning farmer or rancher; (II) a veteran farmer or rancher; or (III) a socially disadvantaged farmer or rancher." These agreements have also supported FLAG's work on the U.S. Department of Agriculture's Discrimination Financial Assistance Program, which was authorized by the Inflation Reduction Act.

5. FLAG's agreements are fully funded, and we have been accessing the funds through the federal government's ASAP (Automated Standard Application of Payments) portal.

6. FLAG's access to the funding accounts in the ASAP portal is presently suspended. Below are screenshots from the ASAP portal showing the suspensions:

SENSITIVE BUT UNCLASSIFIED



Account Profile Inquiry

Date: 02/06/2025
 Time: 4:20 PM

ALC/Region:
12402200

Recipient ID:
[REDACTED]

Agency Short Name:
NIFA


Recipient Short Name:
FLAG

Account ID:
[REDACTED]

Inquiry Results:

ACCOUNT DETAILS	GRANT DETAILS		
<p>Requestor ID : [REDACTED]</p> <p>Account ID : [REDACTED]</p> <p>Account Description : AMERICAN RESCUE PLAN TECHNICA</p> <p>1031/LOC Account : No</p> <p>Account Type : Regular Account</p> <p>Group ID :</p> <p>Control Account : No</p> <p>Account Status Indicator : Suspended</p> <p>Available Balance : \$2,143,065.81</p> <p>Create Date : 05/10/2022</p> <p>Begin Date : 04/15/2022</p>	<p>Grant : Yes</p> <p>Federal Award Identification Number (FAIN) : 20227041637274</p> <p>CFDA Number : 10234.000</p> <p>Total Estimated Grant Amount : \$3,000,000.00</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr style="background-color: #003366; color: white;"> <th style="text-align: left; padding: 5px;">AGENCY PAYMENT REVIEW</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;"> Agency Review : No Threshold Amount : Reason for Review : </td> </tr> </tbody> </table>		AGENCY PAYMENT REVIEW	Agency Review : No Threshold Amount : Reason for Review :
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Account Profile Inquiry

Date: 02/06/2025
 Time: 4:27 PM

ALC/Region:
12402200

Recipient ID:
[REDACTED]

Agency Short Name:
NIFA

Recipient Short Name:
FLAG

Account ID:
[REDACTED]

Inquiry Results:

ACCOUNT DETAILS	GRANT DETAILS		
<p>Requestor ID : [REDACTED]</p> <p>Account ID : [REDACTED]</p> <p>Account Description : AMERICAN RESCUE PLAN</p> <p>1031/LOC Account : No</p> <p>Account Type : Regular Account</p> <p>Group ID :</p> <p>Control Account : No</p> <p>Account Status Indicator : Suspended</p> <p>Available Balance : \$352,203.00</p> <p>Create Date : 09/12/2023</p> <p>Begin Date : 04/15/2022</p> <p>Performance Period</p> <p>End Date : 04/14/2027</p> <p>End Date : 08/14/2027</p>	<p>Grant : Yes</p> <p>Federal Award Identification Number (FAIN) : 20227041637274</p> <p>CFDA Number : 10234.000</p> <p>Total Estimated Grant Amount : \$352,203.00</p>		
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7. Continued suspensions of FLAG's funds will hamper FLAG's efforts to fulfill its mission and the purposes of these two cooperative agreements. It will also negatively affect the farmers, ranchers, and communities we serve.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: February 6, 2025

/s/ Scott W. Carlson
Scott W. Carlson
Executive Director | Attorney at Law
Farmers' Legal Action Group